

REMARKS/ARGUMENTS

Claims 1, 3-10 and 14-42 are pending in the application. Claims 1, 6, 22, 30, 36 and 37 have been amended. These claim amendments are all completely supported by the application as filed and therefore, they raise no issue of new matter. Entry of this amendment into the file of the application is respectfully solicited. As amended, all of the claims of the application are believed to be in condition for allowance, for the reasons which follow.

CLAIM OBJECTIONS

Claims 30 and 37 are objected to in the Office Action. Claim 30 has been amended in response to the objection to recite that, “a braid of electrically insulating or ion-conducting fibers is applied as a spacer” (emphasis supplied) as suggested by the Examiner. Additionally, claim 37 has been amended to correct a typographical error by changing “composition” to “composite” as also suggested by the Examiner. Applicants submit that the claim changes are formal only in nature and do not affect the scope of the invention.

Furthermore, claim 17 is objected to as being in improper dependent form. The Office Action alleges that the claim does not further limit the subject matter of a previous claim. In response, applicants submit that claim 1, from which claim 17 depends, has been amended, *inter alia*, to delete the phrase, “wherein the layer forms an ion-selective membrane” from the last line of the claim. In view of this amendment, applicants submit that claim 17 does now further limit the subject matter of claim 1 from which it depends.

The above-discussed claim amendments are believed to overcome all of the Examiner’s objections to the claims. The Examiner is thus respectfully requested to reconsider and withdraw each of the objections.

CLAIM REJECTIONS UNDER 35 U.S.C. §112

Claims 1, 3-10 and 14-22 are rejected under 35 U.S.C. §112, Second Paragraph, for alleged indefiniteness.

According to the Office Action, in claims 1 and 36 the limitation “bundles of carbon fibers further comprising metal wires or metal wire bundles” is indefinite because it is unclear

how bundles of carbon fibers would also include metal wires or metal wire bundles. In response to this ground of rejection, claim 1 has been amended, *inter alia* to delete the indicated phrase from the claim, thus rendering the rejection moot as to that claim. Claim 36 has also been amended. The claim as amended now recites that braid (3) comprises bundles of carbon fibers or bundles of carbon fibers together with metal wires or metal wire bundles. As amended, therefore, the claim no longer recites that the bundles of carbon fibers can comprise metal wires or metal wire bundles.

As amended, therefore, claims 1 and 36 are believed to overcome the rejection under §112. The Examiner is thus respectfully requested to reconsider and withdraw the §112 rejection of the subject claims.

Claim 6 is also rejected under §112, due to the recitation of, “the at least one catalyst layer (7,9)”. Applicants have, therefore, amended the claim such that it now recites that the tubular composite of claim 1 “further comprises” at least one catalyst layer, which layer comprises . . . , etc. As amended, claim 6 is believed to overcome the §112 rejection and the Examiner is requested to reconsider and withdraw the rejection of the subject claim.

Claim 22 is also rejected under §112. In response, the claim has been amended to clarify the invention. Applicants submit that the claim amendment is believed to overcome the rejection under §112, which rejection should thus be withdrawn.

CLAIM REJECTION UNDER 35 U.S.C. §102

Claims 1, 4-7, 14, 16, 17, 18, 20-28, 34 and 35 are rejected under 35 U.S.C. §102(b) as allegedly anticipated by Lawson et al. (US Patent No. 4,420,544) and as evidenced by the online, “Data sheet for Tubular Braids.” According to the Office Action, the online Data sheet is offered to demonstrate that it is known in the art to manufacture a tubular braid by grouping single wires and then braiding them into an intricate pattern. In response to the Examiner’s rejection claim 1, i.e., the only independent claim, has been amended. As demonstrated below, claim 1, as amended, is believed to distinguish the invention over the cited art and the rejection of that claim under §102 should, therefore, be withdrawn. Furthermore, the claims which depend from claim 1 (i.e., including all of the remaining claims in the application) are believed to be distinguishable over

the art for the same reasons as claim 1. Therefore, the rejection of those claims should be withdrawn as well.

The subject matter recited in (amended) claim 1 is distinguishable from the Lawson et al. reference in that, in the case of the present invention, within a tubular composite an inner electron-conducting means is formed as a braid of an electron-conducting material comprising bundles of one of carbon fibers and metal wires, and the outer electron-conducting means is also formed as a braid of an electron-conducting material comprising bundles of one of carbon fibers and metal wires. Lawson et al. does not teach, or even suggest, to provide, as in the case of applicants' invention, both electron-conducting means in the form of a braid of an electron-conducting material comprising bundles of one of carbon fibers and metal wires.

Applicants' presently claimed invention provides an ion-exchanger membrane or fuel cell of tubular shape wherein, in contrast to tubular composites disclosed in the prior art, an evenly distributed and constant force is exerted on the individual layers of which the composite is comprised. This effect leads to the most effective and constant operating conditions of the tubular composite. Lawson et al. neither recognize nor address the above issue. Further, unlike in the presently claimed invention, Lawson et al. suggest to use a second (outer) current collector having a spiral shape. Also, for the first, i.e. inner, current collector, Lawson et al. discloses the use of current collectors in any form selected from among that of a spiral, bristles, porous metal, a braid or a screen. There is no emphasis that preference should be given to the use of the braid form. In actuality, from Figure 2 of Lawson et al. it is obvious that the reference emphasizes the use of a spiral form for both current collectors, which thus provides a teaching away from the use of the braid form of collector. Hence, one of ordinary skill would not find it suggested by Lawson et al. to use both an inner electron-conducting layer and an outer electron-conducting layer configured in the form of a braid, since the reference does not disclose any technical benefit accruing from configuring the current collectors in the form of a braid. Still further, there is no hint or clue in the prior art relating, generally, to braided hoses of the performance benefits stemming from the use, as claimed by applicants, of braided electron-conducting means.

For the reasons above, therefore, claim 1 and all of the claims depending from that claim are believed to be distinguishable over the cited reference(s) and the Examiner is therefore respectfully requested to reconsider and withdraw her rejections under §102.

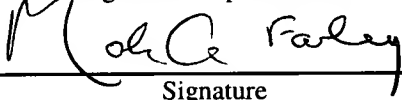
SUMMARY

The claims as amended are all believed to be in condition for allowance. If the Examiner believes that an interview would advance the prosecution of this application by assisting in overcoming any remaining impediments to allowance, she is respectfully invited to contact applicants' undersigned representative at the telephone number below to arrange for such an interview.

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on: October 19, 2005

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Name of applicant, assignee or
Registered Representative

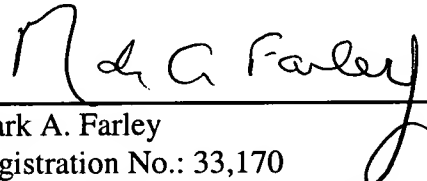


Signature

October 19, 2005

Date of Signature

Respectfully submitted,



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